

**BEFORE THE
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	
ROBERT COLIN WARREN, P.A.)	Case No. 1E-2013-230647
)	
Physician Assistant)	
Certificate No. PA 11746)	
)	
Respondent)	
_____)	

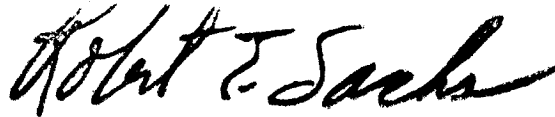
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 24, 2014.

IT IS SO ORDERED September 25, 2014.

PHYSICIAN ASSISTANT BOARD



Robert E. Sachs, P.A., Chair

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
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7
8 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **ROBERT COLIN WARREN, PA**

12 **445 Fairway Drive**
13 **Novato, CA 94949**

14 **Physician Assistant License No. PA 11746**

15 Respondent.

Case No. 1E-2013-230647

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Glenn L. Mitchell, Jr. ("Complainant") is the Executive Officer of the Physician
20 Assistant Board. He brought this action solely in his official capacity and is represented in this
21 matter by Kamala D. Harris, Attorney General of the State of California, by Ashley Harlan,
22 Deputy Attorney General.

23 2. Robert Colin Warren ("Respondent") is representing himself in this proceeding and
24 has chosen not to exercise his right to be represented by counsel.

25 3. On or about October 24, 1985, the Physician Assistant Board issued Physician
26 Assistant License No. PA 11746 to Respondent. The license was in full force and effect at all
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28

1 times relevant to the charges alleged in Accusation No. 1E-2013-230647 and will expire on
2 January 31, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1E-2013-230647 was filed before the Physician Assistant Board of
5 California ("Board"), Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on May 22, 2014. Respondent timely filed his Notice of Defense contesting the
8 Accusation.

9 5. A copy of Accusation No. 1E-2013-230647 is attached as Exhibit A and incorporated
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 1E-2013-230647. Respondent has also carefully read, and understands the effects
14 of this Stipulated Settlement and Disciplinary Order.

15 7. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 1E-2013-230647.

27 10. Respondent agrees that his Physician Assistant License is subject to discipline and he
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

1 CONTINGENCY

2 11. This stipulation shall be subject to approval by the Physician Assistant Board of
3 California. Respondent understands and agrees that counsel for Complainant and the staff of the
4 Physician Assistant Board may communicate directly with the Board regarding this stipulation
5 and settlement, without notice to or participation by Respondent. By signing the stipulation,
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
9 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
10 the parties, and the Board shall not be disqualified from further action by having considered this
11 matter.

12 12. The parties understand and agree that Portable Document Format ("PDF") and
13 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
14 facsimile signatures thereto, shall have the same force and effect as the originals.

15 13. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Board may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Order:

18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Physician Assistant License No. PA 11746 issued to
20 Robert Colin Warren ("Respondent") is revoked. However, the revocation is stayed and
21 Respondent is placed on probation for seven (7) years on the following terms and conditions.

22 1. ALCOHOL-ABSTAIN FROM USE Respondent shall abstain completely from the
23 use of products or beverages containing alcohol.

24 2. DRUGS-ABSTAIN FROM USE Respondent shall abstain completely from the
25 personal use or possession of controlled substances as defined in the California Uniform
26 Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and
27 Professions Code, or any drugs requiring a prescription.

28 This condition does not apply to medications lawfully prescribed to Respondent for a bona

1 fide illness or condition by another practitioner. However, within fifteen (15) calendar days of
2 receiving any lawful prescription medications, Respondent shall notify the Board or its designee
3 of the issuing practitioner's name, address, telephone number, medication name, strength, issuing
4 pharmacy name, address, and telephone number.

5 3. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to
6 biological fluid testing upon the request of the Board or its designee. Respondent shall pay the
7 cost of biological fluid testing.

8 4. DIVERSION PROGRAM Within thirty (30) days of the effective date of this
9 Decision and Order, Respondent shall enroll and participate in the Board's Diversion Program
10 until the program determines that further treatment and rehabilitation is no longer necessary.
11 Respondent shall successfully complete the program. The program determines whether or not
12 Respondent has successfully completed the program.

13 Respondent shall pay all program costs.

14 If the program determines that Respondent is a danger to the public, upon notification from
15 the program, Respondent shall immediately cease practicing as a physician assistant until notified
16 in writing by the Board or its designee that he may resume practice. The period of time that
17 Respondent is not practicing shall not be counted toward completion of the term of probation.

18 5. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

19 Respondent shall notify his current and any subsequent employer and supervising physician(s) of
20 the discipline and provide a copy of the Accusation and Decision and Order to each employer and
21 supervising physician(s) during his period of probation, at the onset of that employment.

22 Respondent shall ensure that each employer informs the Board or its designee in writing within
23 thirty (30) days, verifying that the employer and supervising physician(s) have received a copy of
24 the Accusation and Decision and Order.

25 6. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, and all
26 rules governing the practice of medicine as a physician assistant in California, and remain in full
27 compliance with any court ordered criminal probation, payments, and other orders.

28 7. QUARTERLY REPORTS Respondent shall submit quarterly declarations under

1 penalty of perjury on forms provided by the Board or its designee, stating whether there has been
2 compliance with all the conditions of probation.

3 8. OTHER PROBATION REQUIREMENTS Respondent shall comply with the
4 Board's probation unit. Respondent shall, at all times, keep the Board and probation unit
5 informed of Respondent's business and residence addresses. Changes of such addresses shall be
6 immediately communicated in writing to the Board and probation unit. Under no circumstances
7 shall a post office box serve as an address of record, except as allowed by California Code of
8 Regulations 1399.523.

9 Respondent shall appear in person for an initial probation interview with the Board or its
10 designee within ninety (90) days of the effective date of this Decision and Order. Respondent
11 shall attend the initial interview at a time and place determined by the Board or its designee.

12 Respondent shall, at all times, maintain a current and renewed physician assistant license.

13 Respondent shall also immediately inform the probation unit, in writing, of any travel to
14 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
15 thirty (30) days.

16 9. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall appear in
17 person for interviews with the Board's medical or expert physician assistant consultant upon
18 request at various intervals and with reasonable notice.

19 10. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE The period of
20 probation shall not run during any time when Respondent is residing or practicing outside the
21 jurisdiction of California. If, during probation, Respondent moves out of the jurisdiction of
22 California to reside or practice elsewhere, including federal facilities, he shall immediately notify
23 the Board in writing of the date of departure and the date of return, if any.

24 Respondent's license shall be automatically canceled if his period of temporary or
25 permanent residence or practice outside California totals two years. Respondent's license shall
26 not be canceled as long as Respondent is residing and practicing as a physician assistant in
27 another state of the United States and is on active probation with the physician assistant licensing
28 authority of that state, in which case the two year period shall begin on the date probation is

1 completed or terminated in that state.

2 11. FAILURE TO PRACTICE AS A PHYSICIAN ASSISTANT – CALIFORNIA
3 RESIDENT In the event Respondent resides in California and, for any reason, stops practicing
4 as a physician assistant in California, he shall notify the Board or its designee in writing within
5 thirty (30) calendar days prior to the dates of non-practice and return to practice. Any period of
6 non-practice within California, as defined in this condition, will not apply to the reduction of the
7 probationary term and does not relieve Respondent of the responsibility to comply with the terms
8 and conditions of probation. Non-practice is defined as any period of time exceeding thirty (30)
9 calendar days in which Respondent is not practicing as a physician assistant.

10 All time spent in a clinical training program that has been approved by the Board or its
11 designee, shall be considered time spent in the practice of medicine. For purposes of this
12 condition, non-practice due to a Board ordered suspension or in compliance with any other
13 condition or probation, shall not be considered a period of non-practice.

14 Respondent's license shall be automatically canceled if, for a total of two years,
15 Respondent resides in California and fails to practice as a physician assistant.

16 12. UNANNOUNCED CLINICAL SITE VISIT The Board, or its designee, may make
17 unannounced clinical site visits at any time to ensure that Respondent is complying with all terms
18 and conditions of probation.

19 13. CONDITION FULFILLMENT A course, evaluation, or treatment completed after
20 the acts that gave rise to the charges in the Accusation, but prior to the effective date of this
21 Decision and Order may, in the sole discretion of the Board or its designee, be accepted towards
22 the fulfillment of the condition.

23 14. COMPLETION OF PROBATION Respondent shall comply with all financial
24 obligations (e.g., cost recovery, probation costs) no later than sixty (60) calendar days prior to the
25 completion of probation. Upon successful completion of probation, Respondent's license will be
26 fully restored.

27 15. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation
2 is filed against Respondent during probation, the Board shall have continuing jurisdiction until
3 the matter is final, and the period of probation shall be extended until the matter is final.

4 16. COST RECOVERY The Respondent is hereby ordered to reimburse the Physician
5 Assistant Board the amount of \$3,387.50 within ninety (90) days from the effective date of this
6 Decision and Order for its investigative and prosecutorial costs. Failure to reimburse the Board's
7 costs shall constitute a violation of the probation order, unless the Board agrees in writing to
8 payment by an installment plan because of financial hardship. The filing of bankruptcy by the
9 Respondent shall not relieve the Respondent of his responsibility to reimburse the Board for its
10 investigative and prosecutorial costs.

11 17. PROBATION MONITORING COSTS Respondent shall pay the costs associated
12 with probation monitoring each and every year of probation, as designated by the Board, which
13 may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant
14 Board and delivered to the Board no later than January 31 of each calendar year.

15 18. VOLUNTARY LICENSE SURRENDER Following the effective date of this
16 Decision, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable
17 to satisfy the terms and conditions of probation, Respondent may request the voluntarily
18 surrender of Respondent's license to the Board. The Board reserves the right to evaluate the
19 Respondent's request and to exercise its discretion whether to grant the request, or to take any
20 other action deemed appropriate and reasonable under the circumstances. Upon formal
21 acceptance of the surrender, Respondent shall within fifteen (15) days deliver Respondent's
22 wallet and wall certificate to the Board or its designee and shall no longer practice as a physician
23 assistant. Respondent will no longer be subject to the terms and conditions of probation and the
24 surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies
25 for a physician assistant license, the application shall be treated as a petition for reinstatement of a
26 revoked license.

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July 28, 2014

ROBERT COLIN WARREN
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Board of California.

Dated: *August 5, 2014*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1E-2013-230647

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Attorneys for Complainant

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **ROBERT COLIN WARREN, PA**

Case No. 1E-2013-230647

14 **445 Fairway Drive**
15 **Novato, CA 94949**

16 **Physician Assistant License No. PA 11746**

A C C U S A T I O N

17 Respondent.

18 Complainant alleges:

19 PARTIES

20 1. Glenn L. Mitchell, Jr. ("Complainant") brings this Accusation solely in his official
21 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
22 Affairs.

23 2. On or about October 24, 1985, the Physician Assistant Board of California issued
24 Physician Assistant License Number PA 11746 to Robert Colin Warren ("Respondent"). The
25 license was in full force and effect at all times relevant to the charges alleged herein and will
26 expire on January 31, 2015, unless renewed.

JURISDICTION

3. This Accusation is brought before the Physician Assistant Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3527 of the Code states:

"(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the Board or the Medical Board of California. ..."

5. Section 3528 of the Code states:

"Any proceedings involving the denial, suspension or revocation of the application for licensure or the license of a physician assistant, the application for approval or the approval of a supervising physician, or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code."

6. Section 2234 of the Code states, in relevant part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter. ..."

7. Section 2236 of the Code states, in relevant part:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

1 "...

2 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
3 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
4 shall be conclusive evidence of the fact that the conviction occurred."

5 8. Section 2239 of the Code states:

6 "(a) The use or prescribing for or administering to himself or herself, of any controlled
7 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
8 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
9 any other person or to the public, or to the extent that such use impairs the ability of the licensee
10 to practice medicine safely or more than one misdemeanor or any felony involving the use,
11 consumption, or self-administration of any of the substances referred to in this section, or any
12 combination thereof, constitutes unprofessional conduct. The record of the conviction is
13 conclusive evidence of such unprofessional conduct.

14 "(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
15 deemed to be a conviction within the meaning of this section. The Division of Medical Quality
16 may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing
17 may order the denial of the license when the time for appeal has elapsed or the judgment of
18 conviction has been affirmed on appeal or when an order granting probation is made suspending
19 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
20 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of
21 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
22 information, or indictment."

23 9. Section 3531 of the Code states:

24 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
25 charge of a felony or of any offense which is substantially related to the qualifications, functions,
26 or duties of the business or profession to which the license was issued is deemed to be a
27 conviction within the meaning of this chapter. The committee may order the license suspended or
28 revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment

1 of conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under the provisions of
3 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter
4 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information
5 or indictment."

6 10. California Code of Regulations, title 16, section 1399.525, states, in relevant part:

7 "For the purposes of the denial, suspension or revocation of a license or approval pursuant
8 to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to
9 be substantially related to the qualifications, functions or duties of a person holding a license or
10 approval under the Physician Assistant Practice Act if to a substantial degree it evidences present
11 or potential unfitness of a person holding such a license or approval to perform the functions
12 authorized by the license or approval in a manner consistent with the public health, safety or
13 welfare. Such crimes or acts shall include, but are not limited to, the following:

14 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violation of, or conspiring to violate any provision or term of the Medical Practice Act.

16 "(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
17 violation of, or conspiring to violate any provision or term of the Physician Assistant Practice Act.

18 "..."

19 "(i) Conviction for driving under the influence of drugs or alcohol."

20 11. Section 2054 of the Code states, in relevant part:

21 "(a) Any person who uses in any sign, business card, or letterhead, or, in an advertisement,
22 the words 'doctor' or 'physician,' the letters or prefix 'Dr.,' the initials 'M.D.,' or any other terms or
23 letters indicating or implying that he or she is a physician and surgeon, physician, surgeon, or
24 practitioner under the terms of this or any other law, or that he or she is entitled to practice
25 hereunder, or who represents or holds himself or herself out as a physician and surgeon,
26 physician, surgeon, or practitioner under the terms of this or any other law, without having at the
27 time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under
28 this chapter, is guilty of a misdemeanor. ..."

1 COST RECOVERY

2 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 13. Section 3527, subdivision (f) of the Code states "The board may order the licensee to
7 pay the costs of monitoring the probationary conditions imposed on the license."

8 FIRST CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct - Substantially Related Convictions)

10 14. Respondent's license is subject to disciplinary action for unprofessional conduct
11 under Code sections 2234(a), 2236(a) and (d), 3527(a), 3531, and California Code of Regulations,
12 title 16, section 1399.525 for substantially related convictions, in that Respondent has twice been
13 convicted of violating Vehicle Code ("VC") section 23152(b) [driving under the influence of
14 alcohol with a blood alcohol concentration ("BAC") greater than 0.08%], a misdemeanor that is
15 substantially related to the qualifications, functions, or duties of a physician assistant. The
16 circumstances are as follows:

17 (2013 DUI Conviction)

18 15. On March 9, 2013, at approximately 5:41 p.m. a State Park Peace Officer ("Officer")
19 observed Respondent driving erratically. The Officer conducted a traffic stop and interviewed
20 Respondent in his vehicle. Respondent's wife was a passenger in the vehicle. The Officer
21 noticed Respondent's display of objective signs of intoxication, and Respondent then admitted
22 that he had consumed three "tastings" of wine at approximately 2:00 p.m. during an event at a
23 winery in Hopland, California. Respondent admitted that he had started driving in Hopland, that
24 he was driving home to Marin, and that at the time of the traffic stop he had been driving for
25 approximately one and one half hours. During the interview, Respondent also stated that he was a
26 doctor.

27 16. The Officer then conducted the Standard Field Sobriety Tests ("SFSTs"). During the
28 SFSTs, Respondent pleaded, "Look, just let me sit here for a while. I won't drive. We'll just

1 wait here for a while until I'm okay. You can drive away, and we'll wait here for a while, then
2 we'll go on our way back to Marin." When the Officer declined, Respondent stated, "Isn't there
3 something we can do about this. I'm a good man. You don't know me. There's people I can call.
4 People who will tell you I'm a good man. Highway Patrol Officers who will tell you that. I've
5 removed bullets out of Highway Patrol Officers. There's got to be something that we can do.
6 You can even throw my keys away. I'm telling you we'll just wait here in the car." Respondent
7 failed the SFSTs.

8 17. After administering the SFSTs, the Officer asked Respondent to submit to a
9 Preliminary Alcohol Screening ("PAS") test. Respondent said, "No. You've given me all these
10 tests and I've passed. I'm not going to take it." Respondent then inquired as to whether the PAS
11 test was a breath test, which the Officer confirmed. Respondent then turned and placed his hands
12 behind his back and said, "Well, go ahead and take me in then." After the Officer placed
13 Respondent in handcuffs, Respondent indicated that he wanted to take the PAS test. The Officer
14 then released Respondent from the handcuffs and returned to his vehicle to get the PAS testing
15 device. At that time, Respondent hurriedly walked toward his vehicle. The Officer commanded
16 that he stop twice, but Respondent continued toward the passenger side of his vehicle where his
17 wife handed him a bottle of water. Respondent quickly tried to drink from it, but the Officer
18 grabbed the bottle from his hand before he could drink. The Officer indicated that Respondent
19 was not permitted to eat or drink prior to taking the PAS test.

20 18. At approximately 6:13 p.m., 6:17 p.m., and 6:19 p.m., the Officer administered the
21 PAS test. At 6:13 p.m., the PAS test registered a BAC of 0.118%. When attempting to test
22 Respondent once more, Respondent blew very softly and stuck his tongue into the mouthpiece
23 while making exaggerated facial expressions. The Officer then proceeded to administer the PAS
24 test again at 6:17 p.m. and 6:19 p.m., which registered a BAC of 0.126% and 0.120%,
25 respectively.

26 19. The Officer then offered Respondent a choice between an evidentiary blood or breath
27 test, which Respondent declined, saying that he would not do any test until he had a drink of
28 water. The Officer then informed Respondent that he could not drink water until after the test

1 was performed. Respondent then raised his voice and repeatedly declined the test. At
2 approximately 7:55 p.m., a forced blood sample was taken from Respondent at St. Helena
3 Adventist Hospital in Clearlake, California. The sample was transmitted to the Department of
4 Justice Bureau of Forensic Services in Santa Rosa, California for testing. At approximately 8:13
5 p.m., Respondent was placed under arrest for violating VC section 23152(a) [driving under the
6 influence of an alcoholic beverage] and VC section 23152(b) [driving under the influence of an
7 alcoholic beverage with a BAC of 0.08% or greater].

8 20. On March 18, 2013, the Department of Justice Bureau of Forensic Services reported
9 that Respondent's blood sample taken on March 9, 2013 measured 0.11% BAC.

10 21. On April 16, 2013, a criminal complaint entitled *The People of the State of California*
11 *v. Robert Colin Warren*, filed in Superior Court of Lake County, Case Number CR 931954,
12 charged Respondent with violating VC 23152(a) and VC 23152(b), both misdemeanors, with the
13 following special allegations: (1) sustaining a prior conviction for violating VC section 23152(b)
14 on October 13, 2004; and (2) refusing to willfully submit to a peace officer's request for a
15 chemical test within the meaning of VC section 23577 [refusal to take or failure to complete a
16 chemical test], 23578 [excessive blood alcohol or refusal to take a chemical test], and 23538(b)(2)
17 [probation conditions].

18 22. On July 15, 2013, Respondent was convicted by plea of no contest for violating VC
19 section 23152(b), and the remaining charges were dismissed. Respondent was sentenced to 5
20 years probation, \$1,833.00 in fines and fees, and completion of a multiple offender drinking
21 driver's program.

22 (2004 DUI Conviction)

23 23. On September 29, 2004, a criminal complaint entitled *The People of the State of*
24 *California v. Robert Colin Warren*, filed in Superior Court of Marin County, Case Number CR
25 137777A, charged Respondent with violating VC section 23152(a) and VC section 23152(b),
26 both misdemeanors, for driving under the influence of alcohol on September 18, 2004.

27 24. On October 13, 2004, Respondent was convicted by guilty plea for violating VC
28 section 23152(b), and the remaining charge was dismissed. Respondent was sentenced to 3 years

1 probation, \$1,410.00 in fines and restitution, and completion of a first offender drinking driver's
2 program.

3 25. Respondent's license is subject to disciplinary action for unprofessional conduct
4 under Code sections 2234(a), 2236(a) and (b), 3527(a), 3531, and California Code of Regulations,
5 title 16, section 1399.525 for substantially related convictions, in that Respondent has twice been
6 convicted of violating VC section 23152(b) [driving under the influence of alcohol with a BAC
7 greater than 0.08%], a misdemeanor that is substantially related to the qualifications, functions, or
8 duties of a physician assistant.

9 SECOND CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct - Excessive Use of Alcohol in a Manner Dangerous to Oneself or
11 Others)

12 26. Paragraphs 12 through 23 are incorporated herein.

13 27. Respondent's license is subject to disciplinary action for unprofessional conduct
14 under Code sections 3527(a) and 2239 for the excessive use of alcohol in a manner dangerous
15 Respondent or others, in that Respondent has twice been convicted of violating VC section
16 23152(b) for driving under the influence of alcohol with a BAC greater than 0.08%. Moreover,
17 Respondent sustained his April 15, 2013 conviction after driving under the influence with his
18 wife as a passenger in his vehicle.

19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct – Misrepresentation as a Physician and Surgeon)

21 28. Paragraphs 12 through 23 are incorporated herein.

22 29. Respondent's license is subject to disciplinary action for unprofessional conduct
23 under Code sections 3527(a) and 2054 for misrepresenting himself as a physician and surgeon, in
24 that during the traffic stop of his March 9, 2013 arrest, Respondent told the arresting officer that
25 he was a doctor.

26 PRAYER


27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Physician Assistant Board of California issue a decision:

- 1 1. Revoking or suspending Physician Assistant License Number PA 11746, issued to
- 2 Robert Colin Warren, PA;
- 3 2. Ordering Robert Colin Warren to pay the Physician Assistant Board of California the
- 4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
- 5 Professions Code section 125.3, and, if placed on probation, the cost of probation monitoring,
- 6 pursuant to Business and Professions Code section 3527, subdivision (f); and
- 7 3. Taking such other and further action as deemed necessary and proper.

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10 DATED: May 22, 2014


GLENN L. MITCHELL, JR.
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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